

### **REMARKS**

Applicants thank the Examiner for consideration given to this application. Prior to this reply, claims 1-20 were pending in this application, with claims 9-10 being withdrawn from consideration. No claims have been amended or cancelled. Claim 21 has been added. Accordingly, claims 1-8, 9-21 are presently pending and under consideration in this application. Applicants respectfully request reconsideration of the rejected claims in light of the amendments and remarks presented herein, and earnestly seek timely allowance of all pending claims.

#### **Interview Summary**

Applicants thank the Examiner for granting a telephonic interview with the Applicants' representative on February 19, 2010. During the interview, Applicants' representative discussed the prior reference of Kondo and the possibility submitting evidence to overcome the obviousness rejections. Applicants agree with the Interview Summary as consistent with the above remarks.

#### **Claim Rejections under 35 U.S.C. §103**

Claims 1-4, 7, 8, 11-13 and 17-20 stand rejected under 35 U.S.C § 103(a) as being unpatentable over JP 09-235617 issued to Kondo (hereinafter "Kondo"). These rejections are respectfully traversed.

With regard to claims 1-2, the Examiner stated reliance on *MPEP* § 2112.01, "[w]here the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a *prima facie* case of either anticipation or obviousness has been established." Continuing from the same section, "the *prima facie* case can be rebutted by evidence showing that the prior art products do not necessarily possess the characteristics of the claimed product." Accordingly, applicants submit concurrently with this amendment a Declaration Under 37 CFR §1.132, wherein evidence is provided to distinguish the claims over the cited reference as the processes of the present claims and Kondo are distinguishable, and the result of these differences in processes create patentably

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distinct products. In light of the evidence submitted, the product of Kondo does not necessarily possess the characteristics of the claimed product, and thereby rebuts the Examiner's assertion that claims 1-2 are obvious in view of Kondo. Applicants respectfully request reconsideration and allowance of claims 1-2.

With regard to dependent claims 7, 8, 11-13 and 17-20, Applicants submit that claims 7, 8, 11-13 and 17-20 depend, directly or indirectly, from independent claim 1, which is allowable for the reasons set forth above, and therefore claims 7, 8, 11-13 and 17-20 are allowable based on their dependence from claim 1. Reconsideration and allowance thereof is respectfully requested.

Claims 5, 6 and 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kondo in view of Howells and Hatton, "*Challenges for Ultra-Deep Water Riser Systems*" (hereinafter "Howells"). These rejections are respectfully traversed. Applicants submit that claims 5, 6 and 14-16 depend, directly or indirectly, from independent claim 1, which is allowable for the reasons set forth above. The addition of Howells fails to rectify the deficiencies of Kondo, as Howells merely describes general conditions of the impact of ultra-deep waters on design of rigid catenary, and is absent disclosure concerning the process or composition of the presently claimed product. Reconsideration and allowance of claims 5, 6, 14-16 is respectfully requested.

#### New Claim

Claim 21 has been added in this amendment. Claim 21 recites, wherein the seamless steel tube possesses a lower bainite microstructure, polygonal ferrite with small regions of martensite high in C with retained austenite dispersed in the matrix, which Kondo fails to teach or suggest. In addition, claim 21 depends directly from independent claim 1, which is allowable for the reasons set forth above, and therefore claim 21 is allowable based on its dependence from claim 1. Timely allowance thereof is respectfully requested.

**CONCLUSION**

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Charles Gorenstein, Reg. No. 29,271 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: March 17, 2010

Respectfully submitted,

By

  
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